

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/03/05

AGENDA ITEM 8

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Hearing on Report and Assessment for Weed Abatement Fees Past Due

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution confirming the report and assessment for overdue weed abatement fees for the 2004 calendar year, and authorizing the assessments to become a lien against the properties if not paid on or before July 22, 2005.

BACKGROUND:

Weed abatement is carried out for both aesthetic and fire prevention purposes. Work consists of removal of weeds, rubbish, debris, and litter from both privately-owned and City-owned properties.

A new fee schedule was instituted on July 1, 2004. Consequently, some of the overdue bills are covered under the old fee schedule and some under the new schedule. The following amounts reflect the new, higher fees. For a first-time violation, there is no charge for the compliance inspection process if corrections have been completed by the indicated reinspection date. However, if the violation is not corrected, the fee of \$300 is assessed which is based on the standard cost for staff time and materials to process a typical violation. This includes the cost of both the initial inspection and the compliance inspection, site photographs, researching property ownership records, sending abatement notices, preparing and maintaining the case file, internal vehicle charges, et cetera. Additional fees and penalties for a first violation, if necessary, are assessed as follows: \$275 second reinspection, \$475 third reinspection, \$675 fourth reinspection, and \$875 for the fifth and subsequent reinspection.

For a repeated violation of the same ordinance within 12 months by the same property owner, a fee of \$1100 (\$300 plus \$800 penalty) is charged. For those properties that are abated by the City's contractor, a City fee of \$200 is imposed in addition to the contractor charges, to cover the City's costs of verifying the adequacy of the contractor's work and processing the invoice. If it is necessary to place a lien on a property to recover unpaid inspection or contractor fees, an additional \$150 fee is levied to cover City costs.

As in past years, in conjunction with the annual City-wide weed survey done in May, a reminder notice was mailed to those property owners who had received a Notice to Abate the previous year, whether the owner corrected the violation or the City's contractor was required to do so. Notices were also sent throughout the year to owners of property found to be in violation that had not previously received a notice in conjunction with the annual survey.

As of the date of this writing, overdue bills (including contractor costs) affecting 5 properties amount to approximately \$3,869.47. Amounts currently due include a \$5 per month late charge and 1 % interest per month on charges more than thirty days past due.

The purpose of tonight's hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed by resolution.

The unpaid charges, plus any administrative costs of the City and County, will then become a lien on the property and will appear on the November tax bill. When the property taxes are paid, or when the property is sold or refinanced, the County collects and remits the funds to the City. Abatement charges constitute a special assessment against the property. However, sometimes it is not possible to establish a lien to collect an overdue bill because the current owner was not the party responsible for the debt. In these instances, the Finance Director pursues collection of the debt from the responsible individual through the City Collection Officer, collection agency, or litigation as appropriate.

Public Notice

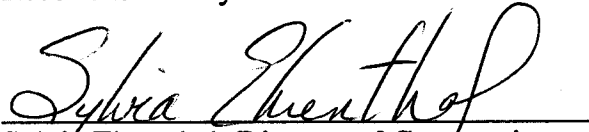
Notice of this hearing was published in the Daily Review on **April 18, 2005** and **April 23, 2005**. A notice of this hearing was also sent by certified mail to each property owner, mortgagee or beneficiary indicated on the current assessor's roll. In addition, staff sent a courtesy letter to all those affected in April, informing them of the impending proceedings and encouraging them to pay their bills to minimize fees and be removed from the proposed assessment list.

Prepared by:



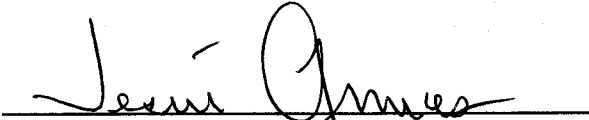
Mary Brown, Senior Community
Preservation Inspector

Recommended by:

A handwritten signature in cursive script, appearing to read "Sylvia Ehrental", written over a horizontal line.

Sylvia Ehrental, Director of Community
and Economic Development

Approved by:

A handwritten signature in cursive script, appearing to read "Jesús Armas", written over a horizontal line.

Jesús Armas, City Manager

Exhibits: A - 2004 Proposed Weed Abatement Assessment List
Resolution

REPORT ID: FMIS-AR851
DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

CITY OF HAYWARD
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATION

REPORT PRINT DATE: 04/20/2005
PAGE NO. 1 TIME: 11:21

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT

142816	09/23/2004	456 0023 160 00	AZZOLINO JOSEPH F & RITA	PORTSMOUTH AV	420.11	4630 001
			AZZOLINO, JOSEPH F & RITA	178 LISBON ST SAN FRANCISCO CA 94112		46
			WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-0708; FAILED WEED REINSPECTION ON 06/21/ 04 @ PORTSMOUTH AV; APN 456-0023-0160 AT \$226.00. PLUS CONTRACTOR'S CHARGES ON 06/22/04 AT \$180.00. IF QUESTIONS, CALL BILL AT 510/583-4174.			

15668					TOTAL	420.11

142821	09/23/2004	078G 2738 031 00	BROWN EDWARD E	31625 MEDINAH ST	306.49	4630 001
			BROWN, EDWARD E & KLEIN C	8420 ADAMS DR PASCO WA 99301		46
			WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-0753; FAILED WEED REINSPECTION ON 07/02/ 2004 AT 31625 MEDINAH ST; APN 078G-2738-031; PLUS CONTRACTOR'S CHARGES 07/12/04 OF \$67.50. QUESTIONS CALL MAGGIE AT 510/583-4158.			

11127					TOTAL	306.49

142838	09/23/2004	455 0020 059 00	LACK ANDREW F	2001 CHIPLAY CT	2,206.80	4630 001
			LACK, ANDREW F	2001 CHIPLAY CT HAYWARD CA 94545		46
			WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-1126; FAILED WEED REINSPECTION ON 09/01/ 04 AT 2001 CHIPLAY; APN 455-0020-059. A SUBSEQUENT VIOLATION WITHIN 12 MONTHS. \$300 + \$800 PENALTY. IF QUESTIONS CALL BILL AT 510/583-4174. WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-1126; FAILED WEED INSPECTION ON 09/17/04 AT 2001 CHIPLAY CT; APN 455-0020-059. \$75.00 FEE PLUS \$1000 PENALTY. IF QUESTIONS CALL BILL @ 510/ 583-4174.			

11262					TOTAL	2,206.80

142238	07/29/2004	455 0068 001 00	LOYOLA LLC	27501 LOYOLA AVE	313.05	4630 001
			LOYOLA LLC	43 E MAIN ST #3-B LOS GATOS CA 95030		46
			WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-0805; FAILED WEED REINSPECTION ON 07/23/ 04 AT 27501 LOYOLA AV; APN 455-0068-001-00. CALL 510/583-4173 FOR MARY IF ANY QUESTIONS.			

REPORT ID: FMIS-AR851

CITY OF HAYWARD
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATION

REPORT PRINT DATE: 04/20/2005

PAGE NO. 2 TIME: 11:21

DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT

142477	08/19/2004	455 0068 001 00	LOYOLA LLC 43 E MAIN ST #3-B WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-0805; CITY ABATEMENT COST (PER APN) AT \$200.00 PLUS CONTRACTOR'S ABATEMENT CHARGES ON 08/ 02/04 OF \$225.00 FOR 27501 LOYOLA AV; APN 455-0068 -001. CALL MARY AT 510/583-4173 IF QUESTIONS. WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA04-0805; CITY ABATEMENT COST (PER APN) AT \$200.00 PLUS CONTRACTOR'S ABATEMENT CHARGES ON 08/ 02/04 OF \$225.00 FOR 27501 LOYOLA AV; APN 455-0068 -001. CALL MARY AT 510/583-4173 IF QUESTIONS.	27501 LOYOLA AVE 95030	439.30	4630 001 46

24822			LOYOLA LLC	TOTAL	752.35	

133444	01/09/2004	444 0033 020 00	MAYAR KHALID 24331 MISSION BLVD WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1345; FAILED WEED INSPECTION ON 12/30/03 AT 24331 MISSION BL; APN 444-0033-20-00. CALL 510 -583-4173 IF QUESTIONS.	24331 MISSION BLVD 94544	91.86	4630 001 46

133648	01/15/2004	444 0033 020 00	MAYAR KHALID 24331 MISSION BLVD WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1345; FAILED WEED INSPECTION ON 01/12/04 AT 24331 MISSION BL; APN 444-0033-020. CALL 510/ 583-4173 FOR MARY IF QUESTIONS.	24331 MISSION BLVD 94544	91.86	4630 001 46

20840			MAYAR, KHALID	TOTAL	183.72	

TOTAL					3,869.47	=====

***** END OF REPORT *****

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 05-

Introduced by Council Member _____

me
4/18/05

**RESOLUTION CONFIRMING THE REPORT OF THE
ENFORCEMENT OFFICER FOR WEED, RUBBISH, AND
LITTER ABATEMENT FROM CERTAIN PROPERTIES IN
THE CITY OF HAYWARD IN CONNECTION WITH THE
WEED ABATEMENT PROGRAM FOR 2004**

WHEREAS, in connection with the 2004 Weed Abatement Program, the Enforcement Officer has rendered an itemized report in writing to this Council showing the cost of removing weeds, rubbish, refuse, and litter from certain properties in the City of Hayward described in the report, all as required by section 4-1.62 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 8 p.m. on Tuesday, May 3, 2005, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by section 4-1.63 of the Municipal Code; and

WHEREAS, the hearing was held at the time and place fixed, and the City Council has considered the report and all comments with respect thereto; and

WHEREAS, at the time and place of the hearing, evidence of the violations was presented and an opportunity to dispute such evidence provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that except as amended by council, report of the Enforcement Officer of the City of Hayward Weed Abatement Program on the cost of removing weeds, rubbish, refuse, and litter from the properties therein described, a copy of which is attached hereto, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of assessments confirmed hereby may be received by the City of Hayward Finance Director up to the hour of 5 p.m. on July 22, 2005, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA May 3, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward